

REMARKS

Reconsideration and reversal of the rejections presented in the Office Action dated September 16, 2004 are respectfully requested in light of the following.

Claims 1-16 and 20-22 are solicited, wherein claims 1, 6, and 20 are presented in independent form. Both claims 1 and 6 have been amended to better define and further distinguish the present invention over the cited references. Claims 17-19 have been canceled without prejudice, the applicant reserving the right to file continuations and divisionals directed to the subject matter contained therein. New claims 20-22 have been added, wherein new independent claim 20 recites the subject matter of originally solicited claim 5.

The Examiner has rejected claims 1, 2, and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 128,569 to Vallett (hereinafter "Vallett").

Claim 1 as amended now recites a first bracket portion including a first arcuate arm, and a second bracket portion including an alignment lobe having a first arcuate surface, a second arcuate arm having a second arcuate surface positioned in substantially parallel spaced relation to the first arcuate surface, and an arcuate retaining slot defined between the first arcuate surface and the second arcuate surface, the arcuate retaining slot having a complementary cross-section to the first arcuate arm.

Initially, it is noted that Vallett fails to disclose a second bracket portion including a second arcuate arm having a second arcuate surface positioned in substantially parallel spaced relation to the first arcuate surface of an alignment lobe. Further, there is simply no disclosure in Vallett of an arcuate retaining slot defined between the first arcuate surface and the second arcuate surface, wherein the arcuate retaining slot has a complementary cross-section to the first arcuate arm. More particularly, the metal plates D of Vallett do not include an arcuate arm. Further, as shown in Fig. 1 of Vallett, the socket A is not defined between a first arcuate surface and a second arcuate surface for providing a complementary cross-section to an arcuate arm as now recited in amended claim 1.

For at least these reasons, it is respectfully submitted that claim 1, and the claims dependent therefrom, are in condition for allowance.

Dependent claim 2 is believed to be in condition for allowance for the reasons provided above with respect to independent claim 1. Claim 2 further recites that the first bracket portion includes an arcuate pivot seat, wherein the alignment lobe is configured to pivot about the arcuate pivot seat. Vallett clearly does not disclose an arcuate pivot seat as defined in amended claim 2. For this additional reason, it is respectfully submitted that dependent claim 2 is further allowable over Vallett.

Claims 6, 9, 10, and 15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,803,930 to Crocoli (hereinafter "Crocoli").

Claim 6 as amended recites a bracket assembly including a first bracket portion having a first arcuate flange, and a second bracket portion having first and second arcuate surfaces defining an arcuate retaining slot of complementary cross-section to the first arcuate flange and configured to receive the first arcuate flange.

Crocoli simply fails to provide any disclosure of first and second arcuate surfaces defining an arcuate retaining slot of complementary cross-section to a first arcuate flange. As shown in Fig. 36 of Crocoli, the opening receiving the first bracket portion does not have an arcuate retaining slot of complementary cross-section to a first arcuate flange.

For at least this reason, it is respectfully submitted that claim 6, and the claims dependent therefrom, are in condition for allowance.

Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vallett in view of U.S. Patent No. 856,962 to Kelly (hereinafter "Kelly").

Kelly fails to overcome the deficiencies of the primary reference Vallett as recited in independent claim 1. For this reason alone, it is respectfully submitted that claim 3 is in condition for allowance over Kelly, either alone or in combination with Vallett.

Claims 6-8 have been rejected under 35 U.S.C. § 103(a) over Vallett in view of Crocoli.

As acknowledged by the Examiner, Vallett does not teach a first arcuate surface as recited in independent claim 6. The Examiner then relies on Crocoli for allegedly teaching a first arcuate surface. However, neither Vallett nor Crocoli teach both a first arcuate surface and a second arcuate surface together defining an arcuate retaining slot having a complementary cross-section to the first arcuate flange of the first bracket portion, as now recited in amended claim 6.

For at least this reason, it is respectfully submitted that claim 6, and the claims dependent therefrom, are properly allowable over Vallett, either alone or in combination with Crocoli.

Claims 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vallett in view of Crocoli and Kelly.

It is respectfully submitted that Kelly fails to overcome the deficiencies of the Vallett and Crocoli references with respect to independent claim 6. For at least this reason, it is respectfully submitted that claims 11 and 12 are in condition for allowance.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vallett, in view of Crocoli, Kelly, and U.S. Patent No. 2,721,777 to Willis (hereinafter "Willis").

Again, it is respectfully submitted that Kelly and Willis fail to overcome the deficiencies of the Vallett and Crocoli references as applied to independent claim 6. For at least this reason, it is respectfully submitted that claim 13 is in condition for allowance.

Claim 14 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vallett, in view of Crocoli and Kelly.

Once again, it is respectfully submitted that Kelly fails to overcome the deficiencies of the Vallett and Crocoli references as applied to claim 6. For at least this reason, it is respectfully submitted that claim 14 is in condition for allowance.

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter with respect to claims 5 and 16. In response, the subject matter of claim 5 has been recited in new independent claim 20. As such, it is respectfully submitted that claim 20, and dependent claims 21 and 22 are in condition for allowance.

In view of the foregoing, it is respectfully submitted that all of the solicited claims are in condition for allowance. Such action is respectfully requested.

If necessary, applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this amendment be charged to the account of Baker & Daniels, Deposit Account No. 02-0390.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during reconsideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. A. Yerkeson', written over a horizontal line.

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